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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,076	06/30/2003	Brian M. Novack	P23663	7858

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
AGDEPPA, HECTOR A	
ART UNIT	**PAPER NUMBER**
2642	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,076	NOVACK, BRIAN M.	
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,838,768 (Sumar et al.) in view of US 6445782 (Elfe et al.) and further in view of US 5,915,012 (Miloslavsky) and US 5,915,011 (Miloslavsky) hereinafter referred to as Miloslavsky II.

As to claims 1, 6, 7, 14, and 19, Sumar et al. teaches receiving a call from a subscriber requesting a service and a first IP 911 interacting with the subscriber. Sumar et al. further teaches that if is necessary to go to a second IP 912, it is done. (Col. 12, lines 24 – 65 of Sumar et al.)

Note that while Sumar et al. teaches the sequential forwarding and processing of a call from IP 911 to IP 912 to a delivery IP 913, Sumar et al. also contemplates that any or all of these IPs, in any combination, may be implemented or reside together or apart, thus meaning that the functionality of the delivery IP 913 could be in IP 912, thus

limiting the scenario to a first and second IP as claimed. Moreover, in another scenario, a subscriber in Sumar et al. may be requesting mailbox information or messages and therefore, instead of using delivery IP 913, the information would be sent back to IP 911, where the subscriber was making his/her request from. (Col. 16, lines 42 – 54, Col. 13, lines 25 – 57, Col. 14, line 31 – Col. 18, line 44 of Sumar et al.)

What Sumar et al. does not teach is an IP having the determiner functionality nor the initiator functionality to contact a second IP.

Instead, Sumar et al. teaches that an SCP 901, in contact w/ IP 911, 912, and 913 determines that it is necessary for conversion IP 912 to fetch a message/information from IP 911, and that instead of IP 911 contacting IP 912, it is IP 912 that contacts IP 911. (Col. 12, lines 24 – 65 of Sumar et al.)

However, as is clearly seen in this discussion, the functionality of the claimed invention is still taught by Sumar et al. and it would have been obvious for one of ordinary skill in the art at the time the invention was made to have given a first IP 911 the determiner and initiator functionalities without going through an intermediate SCP 901 element.

First, the end result of IP 911 going through SCP 901 which determines that an exchange of messages / information with IP 912 is necessary is exactly the same as if IP 911 directly determined that contact with IP 912 was necessary. Also, whether it is the first IP 911 that contacts second IP 912 or vice versa, again, the end result of both IPs being in communication is effected.

Second, it is notoriously old and well known in the telephony arts to move elements and their functionality around within a system to meet various design preferences. Such is especially true in the advanced intelligent network (AIN) arts as taught by Elfe et al. (Col. 7, lines 11 – 25 of Elfe et al.)

Also, Sumar et al. teaches SCP 901 instructing IP 912 to fetch the message from IP 911. However, it is notoriously old and well known in the call center arts to transfer calls from a first call center to a second call center after interactions with a caller at the first call center determine or result in the need to transfer the call to the second call center.

Miloslavsky teaches such a call center system. (Abstract, Col. 2, lines 30 – 52, Col. 7, line 17 – Col. 8, line 26 of Miloslavsky and Col. 13, line 53 – Col. 18, line 11 of Miloslavsky II) Moreover, Miloslavsky II teaches that IPs such as IP 102 (Fig. 1 of Miloslavsky II) are known to be used in call centers. In fact it is common knowledge that the majority of call centers use IPs functioning as voice recognition devices (VRU or IVR) to elicit at least preliminary information or data from a calling party to initiate proper call routing. (Col. 6, lines 7 – 14 of Miloslavsky II) Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented the IPs taught by Sumar et al. in the manner taught by Miloslavsky and Miloslavsky II inasmuch as Miloslavsky and Miloslavsky II merely teach standard call center transferring and standard call center elements.

As to claims 2, 8, 15, and 22, Sumar et al. teaches that the interaction between the IVRs/IPs and either the end user or other IVR/IP consists of dual tone

multifrequency (DTMF) signals, and audio in the form of voice and speech recognition, etc. (Col. 8, lines 31 – 39, Col. 10, lines 8 – 18 of Sumar et al.)

Note that it is inherent in any IVR/IP system that it is not an actual person speaking, hence the IVR system. Therefore, any pre-recorded speech would also be computer generated. Even if such speech were the recorded speech of an actual human voice, again, because Ball et al. teaches implementing in effect, a logical/web-based IVR/IP, that recorded speech must be converted in digital/computerized data. Even in a processor-based IVR/IP it would be rare, if at all possible, that a taped recording was used to play the pre-recorded speech. But if that were the case, it certainly would have been obvious for one of ordinary skill in the art at the time the invention was made to have used computerized speech in lieu of the proliferation of computer-use and processor-based system elements in the telephony arts.

As to claims 3, 4, 9 – 12, 16, 17, 20, and 21, Sumar et al. further teaches that the interaction between IP 911 and IP 912 comprises IP 912 retrieving the information gleaned and stored by IP 911 and further processing it. (Col. 12, line 35 – Col. 16, line 67 of Sumar et al.) Finally, after IP 912 has performed its function(s), the call or dialogue with IP 912 is closed or disconnected. (Col. 13, lines 25 – 35 of Sumar et al.)

Note again, that because of the functionality taught by Sumar et al., the claimed creator and retriever are inherent.

Moreover, the claimed session information database is inherent in Sumar et al. because IP 911 has to store the above-discussed information in some storage/memory means, any of which would read on a database.

As to claim 5, Sumar et al. teaches that voice over internet protocol communications is contemplated, in which case, the claimed calling party would comprise a computer processor inasmuch as a computer or some computer processor-based device would be needed to effect such communications.

As to claims 13 and 18, see Fig. 9 of Sumar et al. Also note the rejection of claims 3, 4, 9 – 12, 16, 17, 20, and 21 wherein Sumar et al. was discussed regarding the closing of dialogue between IP 912 and the system. Before that dialogue is closed, the subscriber, IP 911, and IP 912 are in communication/connected. Therefore, a three way call is effected, wherein the connection between the subscriber and IP 911 is bridged with the connection between IP 911 and IP 912. Miloslavsky II also teaches call conferencing between a caller and both agents. (Col. 17, lines 41 – 49 of Miloslavsky II)

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
September 2, 2005

HECTOR A. AGDEPPA
PATENT EXAMINER